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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92051465
Party	Defendant Edge Games, Inc., and Future Publishing, Ltd.
Correspondence Address	TIM LANGDELL EDGE GAMES INC 530 SOUTH LAKE AVENUE, #171 PASADENA, CA 91101 UNITED STATES uspto@edgegames.com
Submission	Other Motions/Papers
Filer's Name	Tim Langdell
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Date	09/25/2011
Attachments	Filing24Sep2011.pdf (3 pages)(131941 bytes)



United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

September 24, 2011

Filed on-line via ESTTA

**Re: Cancellation No. 92051465
EA Digital Illusions and Electronic Arts Inc
v. Edge Games Inc and Future Publishing Ltd.
(joined as party defendant)**

Attn: Ms Jennifer Krisp, Interlocutory Attorney.

Dear Ms. Krisp,

We refer to your communication of August 25, 2011 suspending this proceeding pending the outstanding motions.

In your communication you also extended by an additional 30-days the time for co-defendants Edge and Future to file a paper either stating we will be represented by the same counsel, or to appoint lead counsel. As you are aware, we filed our paper dated July 26, 2011 (filing date recorded as July 28) stating that it is not viable for the defendants to be represented by the same counsel. In that July paper we proposed that the status quo be maintained and that Edge Games Inc take on the role of lead counsel for the respondents. Co-defendant Future Publishing did not challenge or dispute our July 28 filing and thus we assume they accept the proposal. We have written asking Future Publishing to expressly consent to our being lead counsel (see attached), but they have failed to give us that written confirmation within the 30-days you gave to us to respond.

Future have asked that we agree that they take on the role of lead counsel, and we have specifically stated that we cannot and will not agree to that under any circumstances: clearly, Future Publishing, while technically a co-defendant in these proceedings, is not defending the trademark registrations at all, but instead has joined forces with the petitioners to attack Edge Games Inc and seek to cancel the trademarks – even those

EDGE Games, Inc.,

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registrations that Future Publishing co-owns. Under the circumstances it is clearly not possible for Edge Games to agree that Future Publishing (or anyone representing Future Publishing) act as lead counsel.

We thus repeat what we proposed in our July 26, 2011 communication, that the status quo be maintained wherein Edge Games is lead counsel for the respondents and remains the key point of contact for the defendants.

Last, we note that our response to Future Publishing's Reply filed August 26, 2011 and our response to the petitioner's Response to Motion filed August 29, 2011, will both be filed shortly. We ask that no decision be made on either of the outstanding motions until our further responses have been received and considered.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tim Langdell', written over a horizontal line.

Dr Tim Langdell
CEO, Edge Games Inc.

Service copies to: Cooley LLP for Petitioners and Reed Smith for co-defendant.

From: Tim Langdell

To: Phillips, Robert N. (Rob)

Sent: Wednesday, September 21, 2011 9:37 PM

Subject: Re: TTAB Cancellation Action No. 92051465

Rob:

I wrote to you before the first 30-day period expired and did not get a reply from you. As I said then, clearly Future Publishing do not intend to act as a co-defendant and protect the trademark registrations in question. Rather, Future are acting as if they were co-petitioners along with EA attacking Edge Games and acting against the interest of the Edge marks and their protection. And Future were taking this bizarre stance even when it was indisputable that they had a contract with us that required them to join with us to protect the Edge marks.

Clearly, Future cannot be the agreed point of contact on behalf of the defense. It is our understanding that lead counsel does not have to be an attorney, and as we proposed before we believe Edge Games should continue as lead counsel as we have been up to this point before Future was added as a co-defendant. We trust this is agreeable to you, and as we said before it is the status quo and we ask that it be maintained. But to be clear, under no possible circumstances would we agree to you or anyone else representing Future to be the lead defense counsel in this matter.

Sincerely,

Dr Tim Langdell
CEO Edge Games Inc
Co-Defendant